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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	No. CR 08-00328 - RMW
)	
Plaintiff,)	
)	STIPULATION AND []
v.)	ORDER EXCLUDING TIME
)	
PAULA LUNA ALVAREZ,)	
a/k/a PAULA LUNA,)	
a/k/a PAULA JUAREZ, and)	SAN JOSE VENUE
CARLOS CONTRERAS DEL CARMEN,)	
a/k/a CARLOS F. CONTRERAS,)	
a/k/a CARLOS F. DEL CARMEN,)	
)	
Defendants.)	
)	

On September 21, 2009 counsel Alex Park, appearing for both defendants in this case, appeared before the Court along with Government counsel, for status conference. The defendants requested that the case be continued until at October 26, 2009, 9:00 a.m. in order for counsel for defendant to conduct further investigation and preparation. The Government indicated that it will supersede the indictment between now and October 26, and will request that

1 a motions calendar and trial date be set on that day. In addition, the parties requested exclusions
2 of time under the Speedy Trial Act.

3 The parties hereby request a continuance October 26, 2009, to November 16, 2009 at 9:00
4 a.m.. Counsel for Delcarmen, George Benetatos, recently returned from abroad and counsel for
5 Alvarez, Alex Park, is currently out of the country; consequently, they have not had the
6 opportunity to either further their joint investigative efforts, prepare for trial, or discuss possible
7 resolution of the case, and will not have that opportunity until his return. For purposes of
8 effective assistance and continuity of counsel, the parties therefore agree and stipulate that an
9 exclusion of time from September 21, 2009 until November 16, 2009 is appropriate.

10
11 SO STIPULATED:

12
13 JOSEPH P. RUSSONIELLO
United States Attorney

14
15 DATED: 10-8-09

_____/s/_____
16 THOMAS M. O'CONNELL
Assistant United States Attorney

17 DATED: 10-8-09

_____/s/_____
18 GEORGE BENETATOS
Counsel for DELCARMEN

19
20 DATED: 10-8-09

_____/s/_____
21 ALEX PARK
Counsel for ALVAREZ

22
23 Accordingly, for good cause shown, the Court HEREBY ORDERS that time be excluded
24 under the Speedy Trial Act from September 21, 2009 until November 16, 2009. The Court finds,
25 based on the aforementioned reasons, that the ends of justice served by granting the requested
26 continuance outweigh the interest of the public and the defendant in a speedy trial. The failure
27 to grant the requested continuance would deny defense counsel reasonable time necessary for
28 effective preparation, taking into account the exercise of due diligence, and would result in a

1 miscarriage of justice. The Court therefore concludes that this exclusion of time should be made
2 under 18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv).

3 SO ORDERED.

4
5 DATED: __ 10/23/09 ____


RONALD M. WHYTE
United States District Judge